

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4213 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not? Yes

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3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

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HANSABEN M MEHTA

Versus

MOHANBHAI U PATEL  
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Appearance:

None present for the petitioner  
MR PS CHARI for Respondent No. 1  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/12/97

ORAL JUDGEMENT

1. The Award given in Reference (LCA) No. 12 of 1983 dated 10.10.1984 by the Labour Court, Navsari, has been challenged by the respondent Management before this Court by filing the Special Civil Application No. 4179

of 1985 and the same has been dismissed. The award is passed in favour of the petitioner herein but she has filed the present Spl. Civil Application and from the prayer which has been made therein, she is seeking the enforcement of the award. This Court has passed the order on 9th September, 1986 in the light of the provisions of Section 17-B of the Industrial Disputes Act, 1947 so that the petitioner has received the benefits may or may not be the full benefits for which she would have been entitled under the award of the Labour court. For the execution of the Award, sufficient provisions are provided in the Industrial Disputes Act, 1947 and filing of Special Civil Application is not an appropriate remedy. Yet, there is another fact that the respondent establishment has been closed from 1.1.1994 as stated by the counsel for the respondent in the connected matter. So, whether she is entitled for any benefit from 1.1.1994 or not, is another question, which has to be gone into by appropriate authority. The petitioner has already received the benefits by way of interim relief and anything now remains to be given to her by the respondent management under the award aforesaid, she is at liberty to take appropriate remedy available under the Industrial Disputes Act, 1947. These are the matters where the parties may be at variance and it further pertains to calculation part also. The award is executable by taking out the appropriate action under the Industrial Disputes Act, 1947 and for enforcement of the award this petition is wholly misconceived more so when remedy provided under the Act aforesaid has not availed of.

2. In the result, this Special Civil Application fails and the same is dismissed. Rule is discharged. No costs. However, the dismissal of the Special Civil Application will not render the respondent management to recover whatever the benefit which has been given to the petitioner under the order of this Court dated 9th September, 1986 in this Spl. Civil Application. The dismissal of this petition will not come in the way of the petitioner to take appropriate action under the Act, 1947 for the full compliance of the award if something still remains to be paid to her by the respondent management.

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